

REMARKS

Status

This Amendment is responsive to the Office Action dated April 5, 2006, in which Claims 1-15 were rejected. Claims 1, 5, 6, and 9-11 have been amended; and Claims 16-18 have been withdrawn. Accordingly, Claims 1-15 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 112

Claims 1-15 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claim 1 has been amended to more clearly define the present invention by defining the invention as being an exposed, thermally processed photothermographic material. The material has a support having one or more thermally developed imaging layers which have been exposed and thermally developed to produce an image. The material also has an exposed, thermally developed area which is disposed along a length of at least one edge of the photothermographic material, and which has an optical density less than the D_{max} and greater than the D_{min} of the photothermographic material. As amended, Claim 1 and the claims dependent from it are clearly supported by the filed application. Thus, as stated in the Specification at Page 9, lines 11-12 "Figure 3 shows a thermally processed photothermographic material in accordance with the present invention." At Pages 5 and 6, definitions are given for "photothermographic material", " D_{min} " and " D_{max} ". At Page 6, lines 10-19, a description is given how to thermally process the photothermographic material. Figure 1 and the specification at Pages 6 and 7 describe an imaging apparatus for exposing and developing photothermographic material. Figures 3-5 and the Specification Pages 8-11 present detailed descriptions of the problems solved by the present invention, how the invention is produced, and several embodiments of the invention. Moreover, in the Specification at Page 2, lines 14-16, commonly assigned US Patent No. 6,582,892 (Kong) has been incorporated by reference. This patent describes the photothermographic materials in detail and gives details on how to prepare examples of materials that are exposed with a laser

sensitometer at 810 nm, and heat developed at 15 seconds at 124 degrees C to generate continuous tone wedges with image densities varying from a minimum density D_{min} to an image density greater than 3.5.

Claims 1-15 are clearly supported in the Specification as filed. It is therefore requested that this rejection be reconsidered and withdrawn.

Claim Rejection - 35 USC 102 and 103

Claims 1-11 stand rejected under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as obvious over US Patent No 6,569,614 (Shoji). Claims 1-15 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative under 35 USC 103(a) as obvious over EP0600586B1 (EP '586). These rejections are respectfully traversed.

According to the present invention, there is provided an exposed, thermally processed photothermographic material. The material includes a support having hereon one or more thermally developed imaging layers which have been exposed and thermally developed to produce an image. The photothermographic material has an inherent D_{min} and D_{max} optical density after exposure and thermal processing. D_{min} is defined as image density achieved when the photothermographic material is thermally developed without prior exposure to radiation and D_{max} is defined as a maximum image density achieved when the photothermographic material is exposed to a particular radiation source and then thermally developed. The material also includes an exposed, thermally developed area which is disposed along a length of at least one edge of the photothermographic material, and which has an optical density less than the D_{max} and greater than the D_{min} of the photothermographic material.

The present invention solves two problems in the prior art. The first problem involves the potential for the emulsion of the photothermographic material being marred or peeled away from the support if the thermally processed material is not sufficiently cooled prior to coming into contact with a guide or blade. To reduce/eliminate such an occurrence, existing films include a leading edge having an area having a clear/transparent D_{min} . This is shown in Figure 2 and described in the Specification at Page 8, lines 1-11. This solution presents a

second problem because the clear/transparent edge will allow light to pass through when placed on a light box. The present invention (as shown, e. g., in Figures 3-5) solves both problems by providing a photothermographic material, when exposed and thermally processed, with a non-Dmin area disposed at an edge, preferably the leading edge, of the material. The edge area has an optical density between Dmin and Dmax of the material.

Clearly, Shoji does not anticipate or render obvious the claimed invention. There is no disclosure in Shoji of a solution to the problems solved by the claimed invention and there is no disclosure in Shoji of providing an edge area having an optical density between Dmin and Dmax that is separate from the exposed and thermally processed image. The Examiner has conceded as much but relies on "inherency" to fill the glaring hole in the disclosure of Shoji. The solution to the problems solved by the claimed invention are different from the problems alleged to be solved by Shoji. It is submitted that Claims 1-11 are novel and nonobvious over Shoji and should be allowed.

With respect to EP '586, the discussion above relating to the claimed invention is equally applicable here and will not be repeated. As with Shoji, there is no disclosure in EP '586 of providing an edge area having an optical density between Dmin and Dmax that is separate from the exposed and thermally processed image. Again, the Examiner concedes as much and falls back on the inherency argument. This argument is challenged. As with Shoji, the problem to be solved and the solution disclosed is completely inapposite to the present invention. Arguing inherency cannot cure the deficiencies in the disclosure of EP '586. It is submitted that Claims 1-15 are novel and nonobvious over EP '586 and should be allowed.

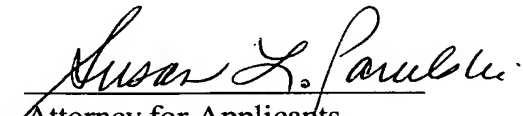
Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance; the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



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